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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,331	02/17/2004	Mark R. Harms	030654	1100

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KIRKPATRICK & LOCKHART PRESTON GATES ELLIS LLP
535 SMITHFIELD STREET
PITTSBURGH, PA 15222

EXAMINER

NGUYEN, NAM V

ART UNIT	PAPER NUMBER
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2612

MAIL DATE	DELIVERY MODE
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11/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/780,331

Applicant(s)

HARMS ET AL.

Examiner

Nam V. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This communication is in response to applicant's Amendment which is filed August 21, 2007.

An amendment to the claims 1-20 has been entered and made of record in the application of Harms et al. for a "retrofit electronic lock security system" filed February 17, 2004.

Claim 6 is cancelled.

Claims 1-5 and 7-20 are now pending in the application.

Response to Arguments

In view of applicant's amendment to amend the claims 19-20 to obviate the 35 U.S.C. §101 rejections, therefore, examiner has withdrawn the rejection under 35 U.S.C §101.

Applicant's arguments with respect to claims 1-20, filed August 21, 2007 have been fully considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 11-15 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watabe (US# 5,223,829) as applied to claim 12 above, and in view of Keskin et al. (US# 5,894,277).

Referring to claim 1, Watabe discloses an improvement in a locker box which serves to automatically designate locker box (3) (column 2 lines 5 to 54; see Figure 1) comprising:

a housing structured (10) (i.e. control unit) and arranged to be retrofit to an existing key operated locker (2) (column 4 lines 49 to 60; see Figure 1); the locker (2) having a fixed structure (see Figure 1), at least one front door hingeably attached to the fixed structure, and at least one left row (i.e. lock channel) positioned in the fixed structure adjacent the door (column 4 lines 49 to 61; see Figure 1); and

an electronically controlled locking mechanism (not shown) (i.e. a lock device) enabling keyless entry into the locker (2) (column 4 lines 8 to 21; see Figure 1);

wherein the retrofit electronic lock unit (3) is securable to the left row (i.e. the lock channel).

However, Watabe did not explicitly disclose using retrofit electronic lock unit to be retrofit to an existing key operated locker.

In the same field of endeavor of an electronic lock of a locker, Keskin et al. teaches that an retrofit programmable digital electronic lock (16) to be retrofit to an existing key operated

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locker (column 2 lines 64 to column 3 line 7; column 4 lines 50 to 66; see Figures 1 to 6) in order to improve security.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize retrofitting the programmable digital electronic lock to the existing key operated locker taught by Keskin et al. in the electronic control circuit of the electronic locker apparatus of Watabe because using the electronic lock would provided a convenience and simplicity to replace by the user.

Referring to claim 2, Watabe in view of Keskin et al. disclose the retrofit electronic lock unit of claim 1, further comprising a user interface (14) (i.e. operational panel) for receiving an entry code from a user (column 4 lines 62 to 65; column 6 lines 22 to 40; see Figures 1 and 2).

Referring to claim 3, Watabe in view of Keskin et al. disclose the retrofit electronic lock unit of claim 2, wherein the user interface comprises a keypad (15) (i.e. ten-keys) (column 4 lines 62 to 65; column 6 lines 22 to 40; see Figures 1 and 2).

Referring to claims 4-5, Watabe in view of Keskin et al. disclose the retrofit electronic lock unit of claim 2, wherein the user interface comprises a display panel (13) (column 4 lines 55 to 58; column 6 lines 56 to 60; see Figure 1).

Referring to claim 11, Watabe in view of Keskin et al. disclose the retrofit electronic lock unit of claim 1, further includes a coin slot (20) (column 4 lines 66 to 67; see Figure 2)

Referring to claim 12, Watabe in view of Keskin et al. disclose the retrofit electronic lock unit of claim 1, further comprising electronics (i.e. components of Figure 3) structured and arranged to fit inside a cavity of a locker door (11) (column 4 lines 49 to 68; see Figures 1 to 3).

Referring to claim 13, Watabe in view of Keskin et al. disclose the retrofit electronic lock unit of claim 12, wherein the electronics comprise a micro-controller (30) performing open individual lock command (i.e. output of electric lock) (column 5 lines 43 to 51; see Figure 3).

Referring to claim 14, Watabe in view of Keskin et al. disclose the retrofit electronic lock unit of claim 12, Keskin et al. teaches that a power supply including a battery (column 6 lines 46 to 55; see Figure 6) in order to power the electronic lock.

Referring to claim 15, Watabe in view of Keskin et al. disclose the retrofit electronic lock unit of claim 12, further comprising a motor controller for instructing a solenoid to inhibit and release the electronic locking mechanism (column 4 lines 8 to 16; column 8 lines 4 to 14; see Figure 3).

Referring to claim 17, Watabe in view of Keskin et al. disclose the retrofit electronic lock unit of claim 12, Keskin et al. disclose a network interface (126) (i.e. optical port) (column 7 lines 30 to 59; see Figures 7 to 9).

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Referring to claims 18-20, Watabe in view of Keskin et al. disclose a method and a computer readable medium storing a computer program comprising:

receiving an entry code through an electronically controlled locking mechanism retrofit to an existing key operated locker (column 5 lines 52 to 64; see Figures 1 to 3); and

proving keyless entry into the locker (2) when the entry code is subsequently entered (column 5 line 65 to column 6 line 21; see Figures 3 and 4).

Claims 7-10 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watabe (US# 5,223,829) in view of Keskin et al. (US# 5,894,277) as applied to claim 1 above, and further in view of Tsukada (US# 5,701,988).

Referring to claim 7, Watabe in view of Keskin et al. disclose the retrofit electronic lock unit of claim 1, however, Watabe in view of Keskin et al. did not explicitly disclose wherein the locking mechanism comprises a cylinder for receiving a control key.

In the same field of endeavor of an electronic lock of a locker, Tsukada teaches that locking mechanism comprises a cylinder (23) for receiving a control key (column 2 lines 36 to 40; column 3 line 1 to 9; see Figure 3) in order to set a deadbolt in an open or a close position.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize using a key cylinder to turn the deadbolt in the open or close position by Tsukada in the electronic control circuit of the electronic locker apparatus of Watabe in view of Keskin et al. because having a key insert cylinder for turning to open or close a door would be provide a convenience and simplicity to the user.

Referring to claim 8, Watabe in view of Keskin et al. the retrofit electronic lock unit of claim 1, Tsukada discloses wherein the locking mechanism comprises a cylinder (23) including a knob (25) (i.e. a key using for turning) (column 2 lines 43 to 58; column 3 lines 50 to 60; see Figure 3) in order to set a deadbolt in an open or a close position.

Referring to claim 9, Watabe in view of Keskin et al. and in view of Tsukada disclose the retrofit electronic lock unit of claim 8, Tsukada discloses wherein turning the knob (25) moves a deadbolt (54) (column 2 lines 43 to 58; column 3 lines 50 to 60; see Figures 3 to 5).

Referring to claim 10, Watabe in view of Keskin et al. and in view of Tsukada disclose the retrofit electronic lock unit of claim 9, Tsukada discloses wherein the knob is turned manually by a user (column 2 lines 43 to 58; column 3 lines 50 to 60; see Figures 3 to 5).

Referring to claim 16, Watabe in view of Keskin et al. disclose the retrofit electronic lock unit of claim 12, Tsukada discloses a sensor (70) for detecting bolt position (column 4 lines 51 to 59; see Figure 1 and 5-6) in order to permit insertion of coins to continuous operation of the locker.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 571-272-3061. The examiner can normally be reached on Mon-Fri, 8:00AM - 5:00PM.

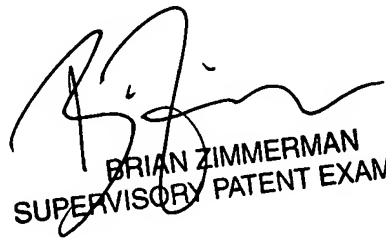
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman can be reached on 571- 272-3059. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nam Nguyen
November 13, 2007



BRIAN ZIMMERMAN
SUPERVISORY PATENT EXAMINER